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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,249	12/28/2001	Arjen Brandsma	PB0024/US	4985

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EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,249

Applicant(s)

BRANDSMA ET AL.

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10 and 13-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed 03-16-04, which has been entered.

Claims 10 and 13-22 are currently pending.

Drawings

1. The drawing correction filed 08-19-2003 has been accepted as formal drawing.

Specification

2. The disclosure is objected to because of the following informalities: in page 6, lines 3-4, it is not clear if "Ra" represents a unit dimensional unit of roughness. It is unclear as to how the roughness can be expressed in Ra because line 27, defines Ra as the combined roughness. The specification is objected to as failing to provide proper antecedent basis for the " $Ra = \sqrt{Ra_s^2 + Ra^2}$ " as in claim 15. See 37

CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required.

Claim Objections

3. Claim 14 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Note, claim 13, recites the speed up to 4000 rpm and claim 14, recites a speed up to 6000 rpm. The range of claim 14 falls outside the range of claim 13.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 15, 10, 13-14 17-19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP (60-95234). JP (60-95234) discloses the claimed invention including the innermost endless band (4e) having a coarse inner surface in contact with the saddle face of the element (5). JP (60-95234) does not disclose the degree of roughness between the endless band and the saddle face of the element and the distance of the rocking edge below the saddle surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the JP (60-95234) device such that contact surface of the inner surface of the innermost band has a roughness greater than 0.8 μm and to have the rocking edge 1mm and between 0.4 and 0.8mm below the saddle face, since it has been held where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

In claim 17, note the carrier contact face of each of the transverse element is flat.

In claim 21, note a plurality of endless bands (4a-4d) are radially around one another.

Regarding claims 10, 13-14 and 20, JP (60-95234) does not disclose the properties of the lubrication oil at 100°C, the range of the primary shaft speed is up to

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6000 rpm and the distance between the rocking edge and the saddle face. It would have been obvious to one of ordinary skill in the art at the time of the invention to select an oil with the above properties and to have speed of the shaft speed up to 6000 rpm, since it has been held that where the general conditions of the claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. In re Aller, 105 USPQ 233. In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to select an lubrication oil with the above properties at 100°C, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a mater of designed choice. In re Leshin, 125 USPQ 416.

6. Claims 16 rejected under 35 U.S.C. 103(a) as being unpatentable over JP (60-95234) in view of Hendriks. JP (60-95234) doe not disclose the profile comprising grooves disposed in crossing sets. Hendriks discloses a belt having endless bands with grooves disposed in crossing sets in order to improve lubrication. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to modify the course surface of JP (60-95234) so that the surface is comprises grooves disposed in crossing sets in view of Hendriks in order to improve lubrication.

Response to Arguments

7. Applicant's arguments filed 03-16-04 have been fully considered but they are not persuasive. Applicant's argument with respect to claims 10, 13-22 has been considered but is moot in view of the new ground(s) of rejection. Applicant contended that the prior art fails to teach or show that the innermost surface having a surface profile providing

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with oil retaining grooves. It should be noted that Applicant's claim 15 does not recite the inner surface has retaining grooves. In claim 16, applicant broadly recited, "a surface profiling is grooves disposed in crossing sets". Nowhere in the claims is the inner surface is a surface profiling is grooves disposed in crossing sets.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marcus Charles
Primary Examiner
Art Unit 3682
June 12, 2004